

HOUSE BILL NO. 541

INTRODUCED BY M. WOLERY

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING CERTAIN PROVISIONS APPLICABLE TO CROP OR GRAIN LIENS BY REMOVING REFERENCES TO CROP DUSTING AND SPRAYING; AMENDING SECTIONS 71-3-901, 71-3-902, AND 71-3-905, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 71-3-901, MCA, is amended to read:

"71-3-901. Who may have lien -- amount. ~~A~~ Upon complying with the provisions of this part, a person, firm, corporation, or partnership that under contract, express or implied, performs labor or services or furnishes material ~~in crop dusting or spraying grains or crops, whether by aerial or ground application,~~ for the purpose of fertilization or weed, disease, or insect control for promoting the growth of the grains or crops has a lien upon all grains or crops ~~dusted or sprayed for and on account of~~ for which the labor or service is performed ~~and or~~ and material furnished, ~~upon complying with the provisions of this part.~~ A lien may not exceed the prevailing price charged in the particular locality in which the ~~grain or crops are~~ sprayed or dusted labor or services are performed or the materials are furnished."

Section 2. Section 71-3-902, MCA, is amended to read:

"71-3-902. How lien obtained. (1) A person, firm, corporation, or partnership that is entitled to a lien under this part shall, within 90 days after the last labor or service was performed or material furnished ~~in crop dusting or spraying grains or crops,~~ file in the office of the secretary of state a statement of agricultural lien as provided in 71-3-125.

(2) A person, firm, corporation, or partnership that is entitled to a lien and that intends to file a lien under this part shall give notice, by certified mail, of intent to file to the person, firm, corporation, or partnership for which labor or service was performed or materials furnished."

Section 3. Section 71-3-905, MCA, is amended to read:

1 **"71-3-905. Who considered owners.** Every ~~Any~~ person, including guardians or minors, and any
2 company, firm, association, or corporation for whose use or benefit services, labor, or materials are
3 provided with regard to the grain or other crops mentioned ~~herein in this part~~ are dusted or sprayed or the
4 ~~services or labor performed or material furnished is deemed~~ considered the owner ~~thereof~~ of the grain or
5 crops for the purposes ~~herein mentioned~~ of this part."

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7 NEW SECTION. **Section 4. Effective date.** [This act] is effective on passage and approval.

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